

PATRICK SUDELL, )  
Register No. 1019076, )  
) )  
Plaintiff, )  
) )  
v. ) No. 04-4116-CV-C-NKL  
) )  
SAMANTHA DRY, et al., )  
) )  
Defendants. )

On December 22, 2005, the United States Magistrate Judge recommended dismissing plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions have been filed.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$255.00 appellate filing fee, regardless of the outcome of the appeal. *Henderson v. Norris*, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that defendants' motion for sanctions is granted and plaintiff's claims are dismissed for failure to prosecute and to comply with court orders, pursuant to the provisions of Fed. R. Civ. P. 41(b). [38]

NANETTE K. LAUGHREY  
United States District Judge

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